HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION NO. 9621 OF 2005

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Between:

U. Raju

……Petitioner

And

District Collector, West Godavari District

at Eluru and seven others.

……Respondents

:: JUDGMENT ::

Counsel for the Petitioner : Sri I. Muniraja for Sri

Satyanarayana Nimmagadda

Counsel for Respondent Nos.1 to 3 : Government Pleader for Panchayat Raj and Rural Development

Counsel for Respondent No.4 : Smt. Jyothi Eswas Gogineni

Counsel for Respondent No.5 : Sri Durga Reddy Thimmayyagari

Counsel for Respondent No.6 : Sri Vuyyur Lakshmana Rao

Counsel for Respondent Nos.7 and 8: Government Pleader for

Irrigation

Dated: 22-02-2006

Per G.S. SINGHVI, CJ

In this petition filed in the name of public interest, the petitioner has prayed for restraining the official respondents from allowing respondent No. 6 to raise construction over
Ac.0-10 cents of land situated near Ambedkar statue of Harizanpet Church Road, Ravulaparru Village.

In the counter affidavit filed by Sri Y. Sambaiah, Panchayat Secretary of Gram Panchayat, Ravulaparru, it has been stated that the land in question does not belong to the Gram Panchayat and as a matter of fact, the same is under the control and possession of PWD Department. In affidavit
dated 30-01-2006 Sri of P. Mani Babu, Superintending Engineer, Irrigation Circle, Eluru, it has been averred that the construction of the church has been stopped.

The petitioner has not filed rejoinder affidavit to controvert the averments contained in the affidavits filed on behalf of Gram Panchayat and Irrigation Department. Therefore, it is not possible to record a finding that the respondents have not taken steps to stop unauthorized construction being made on the public land.

As a sequel to the above, the writ petition is dismissed.

While dismissing the writ petition, we consider it imperative to record our serious displeasure over the causal manner in which the governmental functionaries file pleadings in the High Court. The affidavit filed by Sir P. Mani Babu, Superintending Engineer is partially illegible. How the officer signed that affidavit and how the office of the Government Pleader filed it in the Court is surprising. For today, we refrain from imposing costs on the officers who are lax in filing pleadings in the Court with a reminder that if in future the same casualness and laxity is exhibited in filing of pleadings, the Court will saddle the concerned officers with exemplary costs.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

22-02-2005

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